

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
ROGER KRZEMINSKI
KENNETH MEERSCHAERT, SR.
JOA PENZIEN
ARNOLD THOEL

ABSENT: None.

ALSO PRESENT: Jerome R. Schmeiser, Community Planning Consultant
Larry Dloski, Township Attorney
(Additional attendance on file with Clerk)

Call Meeting to order.

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the Roll Call. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by AUSILIO seconded by PENZIEN to approve the April 6, 2004 Agenda as presented.

MOTION carried.

3. Approval of the March 16, 2004 previous Meeting Minutes

MOTION by KRZEMINSKI seconded by MEERSCHAERT to approve the March 16, 2004 Meeting Minutes as received.

MOTION carried.

AGENDA ITEMS:

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

4. Special Land Use; Brann's Steakhouse & Grille; Located on the north side of Hall Road approximately 1/3 mile west of Romeo Plank Road; Sizzlin 5 LLC., Petitioner. Permanent Parcel No. 08-32-400-005. *(Tabled at the March 16, 2004 PC Meeting all fees paid)*

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda items 4-6 findings and recommendations for approval.

Petitioner Present: Chad Finley of Nowak and Crouse, project engineer, along with Jeff Parker of Jeff Parker Architects, project architect, held further discussion with the members of the Board and Township Attorney regarding the rendering of a revised site plan and the amplification for the outside patio.

Public Portion: Micheal Mcmonigle, Ryan Michalale, Township residents, addressed their concerns of the proposed plans.

Further discussion was held.

MOTION by AUSILIO seconded by PENZIEN to approve the Special Land Use; Brann's Steakhouse & Grille; pursuant to the Planning Consultants recommendations with the added caveat that no music either recorded or live will be provided for the outside eating area. Further, no live bands, disc jockeys or dancing will be allowed for the outside eating area. The Planning Consultants recommendations are as follows:

1. **The proposed Special Land Use shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**

The proposed restaurant is planned for Hall Road, the major east-west road serving Macomb Township. The zones and uses planned and developing along Hall Road are of intense commercial nature. The proposed use blends with these uses.

2. **The proposed use shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

The proposed restaurant will have as its only means of access, drives to and from Hall Road, with no access to the interior residential area to the north.

- 3. The proposed use shall be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.**

The petitioner is planning to provide a wall and greenbelt along the north property line which is the dividing line between the restaurant and the abutting residential neighborhood.. The ordinance provides that a wall or greenbelt be developed. The petitioner plans both the wall and greenbelt be developed. The proposed outside eating area is planned to be buffered with a wall and a greenbelt to reduce any sounds that may emanate from the eating area. Also, the outside eating area will be 230' from the common property line between the restaurant and the neighborhood.

- 4. The proposed use shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.**

Although it is recognized that any commercial use abutting a residential use may impact its value. The property is zoned for commercial purposes and the petitioner has provided more than adequate buffer between the use and the abutting neighborhood.

- 5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.**

Once again the proposed use has as its only frontage Hall Road which is the major east-west road servicing Macomb Township. Hall Road is planned for high intense uses with the proposed restaurant fitting into this category.

- 6. The proposed use is necessary for the public convenience at the proposed location.
Hall Road provides the major access to the property with no access directly into a residential neighborhood.**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

7. **The proposed use is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.**

The site plan submitted by the petitioner indicates compliance with all codes and ordinances that would impact site development including safety and access and usability.

8. **The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.**

The petitioner has provided adequate protection from a sound and visual point of view from the abutting single family neighborhood.

MOTION carried.

5. Site Plan; Brann's Steakhouse & Grille; Located on the north side of Hall Road approximately 1/3 mile west of Romeo Plank Road; Sizzlin 5 LLC., Petitioner. Permanent Parcel No. 08-32-400-005. *(Tabled at the March 16, 2004 PC Meeting all fees paid)*

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda items 4-6 findings and recommendations for approval.

Member THOEL reviewed with the petitioner the plans involving additional landscaping on the north side of the outside patio, height of the patio wall, and further addressed his concerns regarding the amplification for the outside patio.

Further discussion was held.

MOTION by AUSILIO seconded PENZIEN to approve the Site Plan; Brann's Steakhouse & Grille; pursuant to the Planning Consultants recommendations with the added condition to require the petitioner to submit a landscaping detail plan for the proposed outside patio and have the plan reviewed and approved by the Township Planning Consultants along with the additional condition that the petitioner receive a permit from the owner of the gas easement to locate a future gas main. The Planning Consultants recommendations as follows:

1. **The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
2. **The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.

3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

- compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
 11. That all signs be designated on the site plan meet the Township requirements.
 12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
 13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
 14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
 15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
 16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
 17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
 18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
24. That the matter of access and cross access easements be approved by the Township Attorney and Township Engineers.
25. That the agreements made concerning that land use permits be reviewed and approved by the Township Attorney and duly recorded.
26. That all lawn areas to be planted with sod (pre-grown grass).
27. That revised landscape plans be submitted increasing the density of the landscaping adjacent to the outdoor eating area.

MOTION carried.

6. Ground Sign; Brann's Steakhouse & Grille; Located on the north side of Hall Road approximately 1/3 mile west of Romeo Plank Road; Sizzlin 5 LLC., Petitioner. Permanent Parcel No. 08-32-400-005. *(Tabled at the March 16, 2004 PC Meeting all fees paid)*

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda items 4-6 findings and recommendations for approval.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to approve the Ground Sign as proposed; Brann's Steakhouse & Grille; Permanent Parcel No. 08-32-400-005. This motion is based upon the Planning Consultants recommendations as follows:

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

1. All signs be designated on the site plan meet the Township requirements.

MOTION carried.

7. Site Plan; Legacy Place Apartments; Located on the south side of future 22 Mile Road east of North Avenue; Paul Henderson, Petitioner. Permanent Parcel No. 08-25-100-016.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Chairman GALLAGHER discussed his confusion with the name of the proposal. Clerk KOEHS reviewed Legacy Place Apartments is the name of the development and that Market Rental Apartments identifies the type of apartment.

Petitioner Present: Paul Henderson

Mr. Henderson addressed his concerns with the Board regarding the removal of the emergency access as discussed.

Member THOEL discussed his concerns with the Township Attorney involving the consent judgment on the property.

Mr. Schmeiser stated the plan that was presented as part of the court case is what the Planning Consultants has followed, involving the densities of that plan as well. Mr. Schmeiser further stated that the Planning Consultants are not following the densities of the Township Zoning Ordinance, but following the densities as prescribed by the court case.

Member THOEL further addressed his concerns with the densities involved with the proposed plan.

Clerk KOEHS reviewed that the proposed site plans excludes an 8' pathway running north and south along North Avenue. Mr. Henderson stated that the areas as discussed can be revised to reflect an indication of an 8' pathway.

Public Portion: Christine Smith, Township resident, addressed her concerns regarding future paving of 22 Mile, Fairchild Road and North Avenue. Wilson Burn, Township resident, in great detail expressed his concerns regarding pedestrian path areas, flooding issues, drainage for site, detention basins, Township Engineering concerns, existing property damages caused by flooding and the future damages of flooding caused by the current proposal.

Jason Turgeon representing on behalf of Hickory Hollow Golf Course addressed his concerns of 22 Mile road and North Avenue by-pass lanes.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

Mr. Dloski stated this is a consent judgment, the petitioner has the right to develop the property as set forth in the plan attached to the consent judgment. Further the Planning Commission is charged with reviewing the site plan to determine whether it meets the Township Ordinances, and if it meets the Township Ordinances this Board has an obligation to approve it. Engineering issues are separate issues. If the engineers require that the site plan be revised then the plans will come back to the Planning Commission to receive a revised site plan approval. But engineering issues are not part of site plan issues. Clerk KOEHS stated nor are the Road Issues.

MOTION by KRZEMINSKI seconded by AUSILIO to approve the Site Plan; Legacy Place Apartments; Permanent Parcel No. 08-25-100-016. This motion further notes the opinions voiced by the neighbors in attendance and is based upon the Planning Consultants recommendations as follows:

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street is permitted.**
- 4. The curb radii, curb cuts, including their location, deceleration lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount to be approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period.
9. That handicapped parking be provided per the requirements of the State and the ADA (American Disabilities Act).
10. That all signs be designated on the site plan and meet the Township requirements.
11. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
12. MDEQ – That specific conditions and approval regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
13. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The “hung” type wall, that is with panels hung or channeled pillars, shall not be allowed.
14. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain Office.
15. That the petitioner properly names any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor’s Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

Macomb Township Supervisor's office and submit two (2) plans on 11" x 17" paper.

- 16. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
- 17. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so no to be visible from off the site.**
- 18. That in the case of commercial zones that outdoor storage and display or merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines**
- 19. That all requirements of the Zoning Ordinance be met.**
- 20. That if the matter being considered is a revised site plan or technical change, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.**
- 21. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.**
- 22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.**
- 23. That 22 Mile Road must be paved from North Avenue east to spine road (Legacy Blvd) and that Legacy Blvd must be paved from 22 Mile Road south to the emergency access drive to the satisfaction of the RCMC prior to construction permits by the Water & Sewer or Building Department.**
- 24. That the emergency road that connected to Legacy Blvd must be shifted south of the gatehouse on Legacy Blvd to the satisfaction of the Consulting Engineer.**

MOTION carried.

- 8. Rezoning Request; Agricultural (AG) to Residential Multiple-Low Density (R-2-L); Located on the west side of Romeo Plank Road approximately 900' south of**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

26 Mile Road; DDMR Properties, LLC, Petitioner. Permanent Parcel No. 08-06-200-008.

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda items 8 & 9 the findings and recommendations for denial.

Petitioner Present: Jack Doeland, petitioners Attorney along with Mr. Mancini. Mr. Doeland further discussed with the Board the petitioner's requests.

Public Portion: None.

MOTION by AUSILIO seconded by THOEL to recommend to the Township Board of Trustees to deny the petitioners request to rezone the property from Agricultural (AG) to Residential Multiple-Low Density (R-2-L); Permanent Parcel No. 08-06-200-008; pursuant to the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan. The appropriate zone to be consistent with the Master Plan would be R-1.**
- 2. The proposed rezoning is inconsistent with the development of the surrounding properties.**

MOTION carried.

9. Rezoning Request; Agricultural (AG) to Residential Multiple Low Density (R-2-L); Located on the west side of Romeo Plank Road approximately 1000' south of 26 Mile Road; DDMR Properties, LLC, Petitioner. Permanent Parcel No. 08-06-200-009.

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda items 8 & 9 the findings and recommendations for denial.

Public Portion: None.

MOTION by KRZEMINSKI seconded by AUSILIO to move on the Planning Consultants recommendations for denial and forward the recommendation to the Township Board of Trustees to deny the petitioners request to rezone the property from Agricultural (AG) to Residential Multiple Low Density (R-2-L); Permanent Parcel No. 08-06-200-009. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan. The appropriate zone to be consistent with the Master Plan would be R-1.**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

2. The proposed rezoning is inconsistent with the development of the surrounding properties.

MOTION carried.

10. Rezoning Request; Agricultural (AG) to Residential One Family Urban (R-1); Located on the west side of Foss Road, approximately 1,448' north of 24 Mile Road; The Amato Brothers, Inc. Petitioner. Permanent Parcel No. 08-10-300-041.

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda items 10 & 11 findings and recommendations for denial.

Petitioner Present: Rosalinda Amato present on behalf of the Amato Brothers. Ms. Amato reviewed the reasons for the rezoning requests pertaining to setback requirements.

Mr. Schmeiser reviewed with the members of the Board, petitioner and Township Attorney the R-1-E zone.

Mr. Schmeiser discussed the parcel in question and stated that the proposal in question would be more than adequate for the Residential Estate One Family R-1-E zone.

Member THOEL reviewed that the parcel in question has no water and sewer.

Ms. Amato replied the intention is to have water and sewer for both sites.

Mr. Schmeiser reviewed with the petitioner that no development will occur on the parcels in question until water and sewer is located on both sites in question.

Mr. Dloski discussed that because the Residential Estate One Family R-1-E is a less intense zoning district then what was petitioned for the Planning Commission can rezone the property from Agricultural A-G to Residential Estate One Family R-1-E. Mr. Dolski further stated that he isn't satisfied that this parcel meets the minimum land size. The Board held further discussion.

Public Portion: Volena Donoso, Township resident, questioned the number of buildings allowed per parcel, water connection issues and Gas Easement line concerns.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation Township Board of Trustees to deny the request to rezone the parcel from Agricultural (AG) to Residential One Family Urban (R-1) and recommended to consider a less intense use to comply with the Township Master Plan and rezone the property from Agricultural (AG) to Residential Estate One Family (R-1-E); Permanent Parcel No. 08-10-300-041.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

MOTION carried.

11. Rezoning Request; Agricultural (AG) to Residential One Family Urban (R-1); Located on the west side of Foss Road, approximately 1,036' north of 24 Mile Road; The Amato Brothers, Inc. Petitioner. Permanent Parcel No. 08-10-300-042.

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda items 10 & 11 findings and recommendations for denial.

Petitioner Present: Rosalinda Amato present on behalf of the Amato Brothers. Ms. Amato reviewed the reasons for the requested rezonings pertaining to setback requirements.

Public Portion: None.

MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to deny the request to rezone the parcel from Agricultural (AG) to Residential One Family Urban (R-1) and recommended to consider a less intense use to comply with the Township Master Plan and rezone the property from Agricultural (AG) to Residential Estate One Family (R-1-E); Permanent Parcel No. 08-10-300-042.

MOTION carried.

12. Rezoning Request; Residential One Family Suburban (R-1-S) to Office Low Rise (O-1); Located on the south side of 23 Mile Road approx. ¾ mile east of North Ave. GTA Development LLC, Petitioner. Permanent Parcel No. 08-24-201-006.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for denial.

Petitioner Present: Tom Amatangelo

Public Portion: Michael Schrade, Township resident residing adjacent to parcel opposed to rezoning request. Marlene Keene, Township resident residing near the proposal opposed to rezoning request.

Clerk KOEHS stated to maintain this property consist with the Master Plan and since it is a less intense use than what was advertised for this evening, I would move that we recommend that this property rezoned from Residential One Family Suburban (R-1-S) to Residential One Family Suburban (R-1).

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Rezoning Request; Residential One Family Suburban (R-1-S) to Office Low Rise (O-1) and recommend to consider a less intense use to comply with the Township Master Plan and rezone the property and rezone the property from Residential One Family Suburban (R-1-S) to Residential One Family Urban (R-1). Permanent Parcel No. 08-24-201-006.

MOTION carried.

13. Rezoning Request; Agricultural (AG) to Commercial General Highway (C-4); Located on the north side of 25 Mile Road approximately ¼ mile west of Broughton Road; Mark Grabow, Petitioner. Permanent Parcel No. 08-04-400-030.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for denial.

Petitioner Present: Benjamin Aloia, petitioners attorney along with Mr. Grabow. Mr. Grabow held further discussion with the members of the Board and Township Attorney regarding the current proposal.

Public Portion: None.

MOTION by AUSILIO seconded by THOEL to forward the recommendation to the Township Board of Trustees to deny the request to rezone the land from Rezoning Request; Agricultural (AG) to Commercial General Highway (C-4); Permanent Parcel No. 08-04-400-030; pursuant to the Planning Consultants recommendations as follows:

1. The proposed rezoning is inconsistent with the goals of the Master Plan.
2. The proposed rezoning is inconsistent with the development of the surrounding properties.

MOTION carried.

MOTION by KOEHS seconded by AUSILIO to recommend to the Township Board of Trustees to consider a less intense use to comply with the Township Master Plan and rezone the property from Agricultural (AG) to Residential One Family Urban to the parcel in question consistent with the Township Master Plan. Permanent Parcel No. 08-04-400-030.

MOTION carried.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

14. Proposed Amendments to the Macomb Township Zoning Ordinance:

- Regulations of temporary uses (construction trailers)
- Maximum height in Agricultural (AG) District
- Maximum height in Residential One Family Suburban (R-1-S) District
- Maximum height in Residential Estate One Family (R-1-E) District
- Screening Requirements in Commercial Local (C-1), Commercial General (C-2), Commercial Shopping Center (C-3), and Commercial General Highway (C-4) Districts
- Outside storage requirements in Industrial Light (M-1) and Industrial Heavy (M-2) Districts
- Setback requirements in the Traditional Neighborhood District

Jerome R. Schmiser, Community Planning Consultant, reviewed the seven amendments to the text portion of the Macomb Township Zoning Ordinance as listed above.

MOTION by KOEHS seconded by KRZEMINSKI to forward the recommendation to the Township Board of Trustees to approve the Proposed Amendments to Macomb Township Zoning Ordinance; Regulation of temporary uses (construction trailers); Maximum height in AG District; Maximum height in R-1-S District; Maximum height in R-1-E District; Screening Requirements in C-1, C-2, C-3 and C-4 Districts; Outside storage requirements in M-1 and M-2 Districts; Setback requirements in the Traditional Neighborhood District as follows:

1. The Planning Consultant has been discussing the proposed amendments with department heads informally over the past few months. The proposed amendments are discussed separately below.
2. Sec. 10.0321A Temporary Uses- Amend the "Temporary Uses" paragraph to clarify how construction trailers may be placed and regulated. The amended language recognizes that semi-truck trailers and tool cribs are often used on a temporary basis during construction on sites. The amendment further specifies where any such unit may be placed in relationship to clear vision zones, existing residential structures on adjoining parcels, fire hydrants and any property line. The amendment also requires that any such temporary structure must be removed prior to release of any bond or the issuance of a Certificate of Occupancy for the permanent structure on-site.
3. Sec. 10.0404 B. 2. Maximum Height of any structure would be increased from 25 feet to 35 feet in the AG District. The height would be increased 10 feet but the number of stories would remain at two stories. There have been requests from builders to increase the height of residential structures in the residential zones especially the R-1

District. The consultant held discussions with the building department staff and determined that the height limitation of 25 feet was appropriate in the R-1 district given that in the R-1 District the lots are 70 ft. minimum with only 15 ft. between buildings. In the AG District, however, the minimum lot size is one acre with a 200 ft. minimum width and 70 ft. between buildings. There is no reason given those dimensions to limit the height of residential structures to the same height as for 70 ft. lots.

- 4. Sec. 10.0504 C. Maximum height of any structure would be increased from 25 ft. to 30 ft. in the R-1-S District.**

The R-1-S District has a 100 ft. minimum lot width and 20 ft. between buildings. Applying the same logic as noted above the height of residential structures should not be limited to the same degree as in the R-1 District. A structure 30 ft. in height would not be unreasonable for the R-1-S District.

- 5. Sec. 10.0604 C. Maximum height of any structure would be increased from 25 ft. to 30 ft. in the R-1-E District.**

The R-1-E District has a minimum lot width of 80 ft. and 20 ft. is required between buildings. Applying the same logic as noted above the height of residential structures should not be limited to the same degree as in the R-1 District. A structure 30 ft. in height would not be unreasonable for the R-1-E District.

- 6. Sec. 10.1505G. the screening requirements in the C-1 District would be amended to require that in addition to 6 ft. high decorative masonry wall a 30 ft. greenbelt shall be developed when abutting any residential district or the CF or MTC Districts.**

The ordinance as currently written only requires that when a commercial use abuts a residential zone that a 6 ft. high wall (or 8 ft. greenbelt) be developed to serve as a screen or separation between the commercial and the residential uses. In effect the result is that the residential lots back up to a wall with parking butting up to the wall along with trash dumpsters. The commercial building is only 105 ft away from the rear of the houses along the common rear lot line in most situations where the subdivisions were built prior to the amendment to the Land Division Ordinance (LDO). Since the amendment to the LDO a 20 ft. greenbelt is required to be developed on the rear or side of lots within a subdivision that abuts to a commercial zone or use. The 20 ft. greenbelt required by the LDO provides for an additional 20 ft. of space plus the landscaping to separate the residential uses from the commercial activities and buildings.

The amendment as proposed will afford those subdivisions existing prior to the amendment of the LDO with the same degree of protection and separation from commercial activity as those developed since the LDO

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

amendment. If a landscape easement is in place prior to the development of the commercial zoned property the proposed amendment will give credit by reducing the required greenbelt depending on the length of the commercial property line abutting the residential districts. In no case will the commercial developer be required to install more than thirty feet of greenbelt and in no case will there ever be less than 20 ft of greenbelt separating a commercial development from a residential district.

- 7. Sec. 10.1605G. the screening requirements in the C-2 District would be amended to require that in addition to 6 ft. high decorative masonry wall a 40 ft. greenbelt shall be developed when abutting any residential district or the CF or MTC Districts. The same foundation applies to this proposed amendment as discussed above in no. 6 for the C-1 except that the size of the required greenbelt is increased from 30 ft to 40 ft. The increase in greenbelt size is because of the increased intensity of uses allowed in the C-2 vs. the C-1 District and the fact that typically the buildings in the C-2 District are larger than in the C-1 District therefore greater separation is needed. It should be noted that if a greenbelt exists on the adjoining residential parcels or lots then the required greenbelt would be reduced by 20 ft.**
- 8. Sec. 10.1705G. the screening requirements in the C-3 District would be amended to require that in addition to 6 ft. high decorative masonry wall a 50 ft. greenbelt shall be developed when abutting any residential district or the CF or MTC Districts.**
The same foundation applies to this proposed amendment as discussed above in nos. 6 & 7 for the C-1 and C-2 except that the size of the required greenbelt is increased to 50 ft. The increase in greenbelt size is to make this section of the C-3 District consistent with the setback in place for shopping centers. There is no reason to require a 50 ft. greenbelt for a shopping center in the C-3 District and 40 ft. in another section of the same zoning district. It should be noted that if a greenbelt exists on the adjoining residential parcels or lots then the required greenbelt would be reduced by 20 ft.
- 9. Sec. 10.1706 E. the screening requirements in the C-3 District would be amended to allow the 20 ft. reduction in the size of the greenbelt when a greenbelt exists on adjoining residential parcels or lots.**
As written the C-3 District requires a 50 ft. greenbelt for a shopping center that abuts a residential district but there is no reduction given if the adjoining residential lots are developed with a 20 ft. greenbelt. The amendment would allow for a reduction of the required greenbelt.
- 10. Sec. 10.1805G. the screening requirements in the C-4 District would be amended to require that in addition to 6 ft. high decorative masonry wall a**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

50 ft. greenbelt shall be developed when abutting any residential district or the CF or MTC Districts.

The same foundation applies to this proposed amendment as discussed above in no. 7 for the C-2 except that the size of the required greenbelt is increased from 40 ft to 50 ft. The increase in greenbelt size is because of the increased intensity of uses allowed in the C-4 vs. the C-2 District, therefore greater separation is needed. It should be noted that if a greenbelt exists on the adjoining residential parcels or lots then the required greenbelt would be reduced by 20 ft.

- 11. Sec. 10.2103 C. would be amended to more accurately describe what is meant by outside storage and to require a minimum distances from residential property lines and on-site buildings.**

The new language is more specific by what is meant by open storage. Further, it is specified that junk material is prohibited in the open storage areas.

- 12. Sec. 10.2107 J. 4 is an amendment to correct a scrivener's error.**

- 13. Sec. 10.2107 J. 7 is an added paragraph to the Structure and site requirements for the M-1 District**

The added paragraph will require each industrial building to be provided with outside storage. A minimum of 600 sq. ft. and a maximum of 1,000 sq.ft. of outside storage must be provided for each site. If more than 1,000 sq. ft. of outside storage is requested there must be a Special Land Use Approval granted by the Planning Commission.

- 14. Sec. 10.2205 J. 4. is an amendment to correct a scrivener's error.**

- 15. Sec. 10.2207 J. 5 is an added paragraph to the Structure and site requirements for the M-2 District**

The added paragraph will require each industrial building to be provided with outside storage as provided for in the M-1 District. A minimum of 600 sq. ft. and a maximum of 1,000 sq. ft. of outside storage must be provided for each site. If more than 1,000 sq. ft. of outside storage is requested there must be a Special Land Use Approval granted by the Planning Commission also as provided for in the M-1 District.

- 16. Sec 10.2507 D. 3 Building Placement in the Neighborhood Edge Zone would be amended to increase the size of the rear setback of ancillary or back buildings from zero feet to 25 feet.**

- 17. Sec. 10.2507D. 5. Parking- Neighborhood Edge Zone would be amended to increase the setback for front facing garages from 20 feet to 25 feet.**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

18. **Sec. 10.2507E. 3. Building placement- Neighborhood General Zone would be amended to increase the rear setback for ancillary or back buildings from 3 feet to 25 feet.**
19. **Sec. 10.2507E. 5. Parking- Neighborhood General Zone would be amended to increase the setback for front facing garages from 20 feet to 25 feet.**
20. **Sec. 10.2507 F. 3. Building placement- Neighborhood General Zone would be amended to increase the rear setback for both Principal and ancillary or back buildings from 20 feet or 3 feet to 25 feet.**
21. **Sec. 10.2512 B. Including Appendix H would be amended to eliminate the one-way alleys or residential streets. Further, the width of the sidewalk for the half-mile roads within the District shall be 8 ft. As written the Table and the text had different dimensions. The 8 ft. dimension is the preferred dimension.**

MOTION carried.

NEW BUSINESS: None

PLANNING CONSULTANTS COMMENTS:

Member KRZEMINSKI briefly discussed with Mr. Schmeiser the information in a recent Macomb Daily paper pertaining to Sterling Heights battles of commercial vacancies.

Member THOEL reviewed that Macomb County Board of Commissioners commended Mr. Schmeiser as one of the volunteers of the year.

BOARD COMMENTS:

15. Motion to receive and file all correspondence in connection with this agenda.

MOTION by KOEHS seconded by AUSILIO to receive and file all correspondence in connection with this agenda of April 6, 2004.

MOTION carried.

ADJOURNMENT:

MOTION by PENZIEN seconded by KOEHS to adjourn this meeting of April 6, 2004 at 10:00 p.m.

MOTION carried.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, APRIL 6, 2004

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, Secretary

Minutes prepared by: Michael D. Koehs, Township Clerk
MDK/gmb